

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JONATHAN PUCKETT,

Plaintiff,

v.

**THE STATE OF TEXAS; LORIE DAVIS,
TDCJ Director; and DOMINIQUE
COLLINS,**

Defendants.

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Civil Action No. **3:19-CV-1281-L**

ORDER

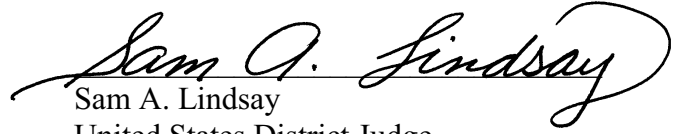
On June 4, 2019, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) was entered, recommending that the court dismiss with prejudice the claims asserted by Plaintiff in this action until the conditions of *Heck v. Humphrey*, 512 U.S. 477 (1994), are met. No objections to the Report were filed.

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** the claims asserted by Plaintiff in this action until the conditions of *Heck v. Humphrey*, 512 U.S. 477 (1994), are met.

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). The court concludes that any appeal of this action would present no legal point of arguable merit and would therefore be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir.

1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. 24(a)(5).

It is so ordered this 16th day of July, 2019.


Sam A. Lindsay
United States District Judge